THE HONOURABLE SRI JUSTICE B. SESHASAYANA REDDY

WRIT PETITION No.14392 of 2005

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DATED:06-04-2006

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BETWEEN

Sapna Cooperative Housing Society Ltd., rep. By its President K. Navaneeth Rao.

...PETITIONER

AND

The Mandal Revenue Officer, Uppal Mandal, Ranga Reddy District and others.

...RESPONDENTS

THE HONOURABLE SRI JUSTICE B. SESHASAYANA REDDY

WRIT PETITION No.14392 of 2005

ORDER:

This writ petition has been filed by Sapna Cooperative Housing Society Limited with a prayer to issue a writ, order or direction, more particularly one in the nature of writ mandamus declaring the action of the Mandal Revenue Officer, Uppal Mandal, Ranga Reddy District and the Assistant Director, Survey and

Land Records, Ranga Reddy District (respondents 1 and 2) in seeking to re-survey and demarcate the lands in an extent of Ac:18-11 gts in Sy.Nos. 144,166,167,170,171,172,173 and 175 of Nacharam village, belonging to the 4th respondent as arbitrary, illegal, malafide and without jurisdiction.

2. The case of the petitioner, as set out in the affidavit filed in support of the writ petition, in brief, is that the petitioner is a Society, registered under the provisions of the Andhra Pradesh Cooperative Societies Act. There are about 500 members on the rolls of the petitioner Society. The petitioner Society purchased land in Sy.Nos. 177 and 180 of Nacharam village, and mutation was effected by the Mandal Revenue Officer in the revenue records vide proceedings No.B/643/94,dated 30-06-1994 under the provisions of the Andhra Pradesh Record of Rights in Land Act, 1971. Thereafter, the petitioner Society constructed a compound wall enclosing the said land all around. The land in Sy.No.176 belonged to one Buchaiah. In the year 1995, Buchaiah obtained permission for construction of flats and thereafter constructed a compound wall enclosing the said land. The petitioner Society purchased the said land under four different sale deeds bearing document Nos. 422/1996, 423/1996 and 424/1996, dated 19-10-1995 and document No.9254/1998, dated 10-01-1997. The 4th respondent made an application to the Assistant Director, Survey and Land Records for conducting re-survey and demarcation of the lands belonging to him in Sy.Nos. 144, 156, 170, 171, 172, 173 and 175 of Nacharam, Uppal Mandal, Ranga Reddy District. It is averred in the affidavit that survey was already conducted in the year 1986 by the Deputy Inspector of Survey and no objection was raised by anybody in so far as the survey and demarcation was concerned. At the instance of 4th respondent, the survey was conducted in the year 1996. When the re-survey is sought to be conducted on another representation of the 4th respondent, dated 02-07-2005, the petitioner Society has chosen to approach this Court by invoking this Court under Article 226 of the Constitution of India with a prayer as stated supra.

3. The respondents filed counter affidavit and thereafter, the petitioner filed reply affidavit.

4. Heard the learned counsel for the petitioner, learned counsel for 4th respondent and the learned Government Pleader for respondents 1 to 3.

5. The factual aspect is that the land in question was once surveyed in 1996 is not in much controversy. Indeed, a direction has been given by this Court on 27-03-2006 to place on record the file relating to the survey conducted in 1996 on the application of the 4th respondent. In pursuance of the said direction, learned Government Pleader for Revenue made available the file bearing No. D.Dis.No.G7 559/96 dated 16-06-1997. A perusal of the file indicates that a survey has been conducted on the application of the 4th respondent and some others and boundaries have been fixed. Such is the situation, the question of conducting re-survey does not arise.

6. Accordingly, the Writ Petition is allowed setting aside the action of respondents 1 and 2 to re-survey the lands in question. If it is the case of the 4th respondent that the petitioner Society is encroaching the land, he is at liberty to take the recourse in civil Court to protect his possession. No order as to costs.

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06-04-2006

sj